

# Preliminary Legal Studies

## The Individual and the State

### Revision Questions

#### Section I – Multiple Choice

Total marks (120)

Select the alternative A, B, C or D that best answers the question and indicate your choice with a cross (X) on the answer sheet.

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1. Compulsory voting is an example of:
  - (A) a legal duty.
  - (B) a legal right.
  - (C) a social duty.
  - (D) a moral duty.
  
2. The law always imposes:
  - (A) social duties.
  - (B) moral duties.
  - (C) legal duties.
  - (D) religious duties.
  
3. An example of a legal duty is:
  - (A) the duty to care for one's children.
  - (B) the duty to assist the police in certain circumstances.
  - (C) the duty to follow traffic regulations.
  - (D) all of the above.
  
4. A trade union is an example of the use of:
  - (A) collective power.
  - (B) power by reward.
  - (C) moral duty.
  - (D) power through custom.
  
5. An example of customary authority is:
  - (A) civil disobedience,
  - (B) parents disciplining their children.
  - (C) statue law.
  - (D) the separation of powers.
  
6. The obligation of a person to return a piece of borrowed equipment in the same condition is an example of:
  - (A) a moral right.
  - (B) a legal right.
  - (C) a human right.
  - (D) a moral duty.
  
7. One way in which rights are not conferred in Australia is through:
  - (A) the Constitution.
  - (B) common law.
  - (C) the Australian Bill of Rights.
  - (D) statute law.

8. Gaining a licence to run a raffle in a local shopping centre is an example of:
- (A) discretionary power.
  - (B) a legal right.
  - (C) a customary right.
  - (D) economic power.
9. The Universal Declaration of Human rights:
- (A) is legally enforceable in Australia.
  - (B) is generally not enforceable.
  - (C) has jus cogens status.
  - (D) is followed by all nations.
10. Which of the following is not an international duty of the states?
- (A) The duty to settle disputes by peaceful means.
  - (B) The duty to pay membership contributions to the United Nations.
  - (C) The duty to refrain from self-defence.
  - (D) The duty to refrain from slavery.
11. A venue for complaints about the abuse of power by the NSW government is:
- (A) the Privacy Commissioner.
  - (B) ICAC.
  - (C) the Governor-General.
  - (D) the Administrative Appeals Tribunal.
12. A problem with judicial review is that:
- (A) it can totally remake the original decision.
  - (B) it can only be sought by a large group of people.
  - (C) it is slow and costly.
  - (D) it is only available if there has been fraud on the part of the decision maker.
13. Anne has had her unemployment benefit cancelled unfairly.
- She can have the decision reviewed by:
- (A) the court.
  - (B) the Administrative Appeals Tribunal.
  - (C) the Social Security Appeals Tribunal.
  - (D) all of the above.
14. John has been harassed by the police. He can take his complaint to:
- (A) the NSW ombudsman.
  - (B) the Federal ombudsman.
  - (C) the Administrative Appeals Tribunal.
  - (D) any of the above.
15. A reason for the limited effectiveness of the NSW Ombudsman is that he or she:
- (A) can only make recommendations.
  - (B) can only conduct judicial reviews.
  - (C) can only act on complaints received.
  - (D) may not publish the findings of an investigation.
16. Which of the following is not made illegal under anti-discrimination laws?
- (A) Sexual harassment.
  - (B) Discrimination against smokers.
  - (C) Homosexual vilification.
  - (D) Terminating someone's employment because of their religious beliefs.

17. The rules regarding judicial review in NSW are contained in:
- (A) common law.
  - (B) the Administrative Appeals Tribunal Act.
  - (C) the Administrative Decisions (Judicial Review) Act.
  - (D) the Freedom of Information Act.
18. Virginia has been denied permissions by the local council to keep bees on her property. She feels that the decision has been wrongly made and wishes the court to issue an order that states this.

Such order is called:

- (A) an injunction.
  - (B) a declaration.
  - (C) a writ of mandamus.
  - (D) a writ of prohibition.
19. Carlotta's single parent benefit was cancelled by Centrelink because it was alleged by a Neighbour that she was in a de facto relationship. Carlotta did not have the opportunity to explain that the man who was living in the house with her was her brother.

This is an example of:

- (A) a breach of mandamus.
  - (B) Centrelink acting ultra vires.
  - (C) a breach of natural justice.
  - (D) a breach of the Administrative Appeals Tribunal Act.
20. A body created by federal parliament to investigate various governmental processes is:
- (A) a parliamentary committee.
  - (B) a non-government organisation.
  - (C) the High Court.
  - (D) the Independent Commission Against Corruption.
21. Social power is power a person possesses because of:
- (A) their income.
  - (B) their knowledge of the legal system.
  - (C) their status within the community.
  - (D) their education.

22. A large insurance company hires a team of lawyers to take an individual to court rather than pay their insurance claim.

This is an example of:

- (A) legal power.
  - (B) economic power.
  - (C) social power.
  - (D) cultural power.
23. A politician makes a speech in the parliament about a member of the public that is not true.

The power that prevents the politician from being held accountable is:

- (A) the Constitutional division of power.
- (B) statutory law.
- (C) freedom of information legislation.
- (D) parliamentary privilege.

24. 'Statutory authority' is the authority:
- (A) to make laws in the parliament.
  - (B) derived from an Act of Parliament.
  - (C) to change an aspect of law.
  - (D) given to Members of Parliament to allow them to make political decisions.
25. A senior government official has the authority to make a certain decision. The official passes this authority on to an assistant.\

This is an example of:

- (A) delegated authority.
  - (B) ministerial privilege.
  - (C) discretionary authority.
  - (D) separation of powers.
26. The Minister of Community Services is asked to resign because their department failed to protect a neglected child from harm.

This is an example of:

- (A) the division of power under the Westminster system.
  - (B) an informal challenge to State power under the Westminster system.
  - (C) statutory responsibility under the Westminster system.
  - (D) ministerial responsibility under the Westminster system.
27. The role of parliamentary committees is to:
- (A) make new laws.
  - (B) review laws and keep government departments accountable.
  - (C) recommend changes to the Constitution.
  - (D) hear complaints from members of the public about government departments.
28. An internal review of a government decision involves:
- (A) a review by members of the department that made the decision.
  - (B) a court hearing an appeal about the decision.
  - (C) complaints about the decision being dealt with by the local MP.
  - (D) the decision being referred to another department for review.
29. The Commonwealth Administrative Appeals Tribunal:
- (A) ensures that government decisions comply with the Constitution.
  - (B) deals with disputes between federal and State governments.
  - (C) ensures that members of parliament comply with the rules of the parliament.
  - (D) deals with appeals against government decisions.
30. The primary role of the Independent Commission Against Corruption is to:
- (A) pass sentences on people convicted of corruption.
  - (B) ensure that Members of the New South Wales Parliament do not exceed their power.
  - (C) investigate allegations of corruption made against government officials.
  - (D) hear appeals from lower courts for cases involving corruption.
31. In what way are moral duties different to other types of duty?
- (A) They are personal and may vary from person to person.
  - (B) They are enforced by social pressure.
  - (C) They can become legal duties if they are considered important.
  - (D) They may have a religious basis.

32. The usual consequence of breaching a professional ethical duty is:
- (A) a fine or loss of licence to practise.
  - (B) a fine or imprisonment.
  - (C) the payment of compensation or an order to perform the duty.
  - (D) social exclusion and personal shame.
33. Which of the following statements describes legal duties?
- (A) They are enforced by social pressure.
  - (B) They apply to everyone.
  - (C) They are created by the circumstances of a person's life.
  - (D) They rely on the desire to conform with the expectations of others.
34. The international community is outraged when some nations begin to drill for oil in Antarctica and an oil spill destroys some of the unique environment. These nations have breached their:
- (A) common-law duties.
  - (B) international sanction obligations.
  - (C) responsibility to ensure intergenerational equity.
  - (D) state sovereignty duties.
35. International duties differ from domestic duties in that:
- (A) they apply to governments.
  - (B) they are more difficult to enforce.
  - (C) they have legal and non-legal sources.
  - (D) they are primarily used to regulate behaviour.
36. How is a customary right created?
- (A) The rules of a community are written down to allow enforcement.
  - (B) Traditional behaviour creates an expectation of entitlement.
  - (C) Individual concepts of right and wrong are enforced.
  - (D) The leaders of a community agree that the right should be recognised.
37. Why are moral rights difficult to enforce?
- (A) They are not traditionally recognised by the community.
  - (B) They are not as important as customary and legal rights.
  - (C) It is up to the individual to enforce them without assistance.
  - (D) Different people have different ideas about morality and moral rights.
38. Which of the following is an advantage of legal rights?
- (A) They are generally accepted by the community as being fair.
  - (B) They prevent people from denying that the right exists.
  - (C) They favour the rights of the majority over the rights of minority groups.
  - (D) They can be adapted to the changing needs of the community.
39. Why are our Constitutional rights particularly important?
- (A) They have existed since Federation in 1901.
  - (B) They protect all fundamental human rights.
  - (C) They cannot be taken away without a referendum.
  - (D) They can be implied.
40. Which human rights treaty is considered the most important?
- (A) The United Nations Charter.
  - (B) The Universal Declaration of Human Rights.
  - (C) The United Nations Covenant on Civil and Political Rights.
  - (D) The Convention on the Rights of the Child.

41. Which of the following is not a role of an ombudsman?
- (A) To identify disputes.
  - (B) To review actions or decisions made by a government minister.
  - (C) To improve administration.
  - (D) To resolve disputes.
42. A conscientious objector is a person who believes going to war is wrong. conscientious objection is a conflict between what duties?
- (A) Social and moral.
  - (B) Legal and cultural.
  - (C) Moral and legal.
  - (D) Religious and moral.
43. A legal duty placed on countries is to:
- (A) Given 0.7 per cent of GDP to foreign aid.
  - (B) Work together for a better world.
  - (C) Not go to war with each other.
  - (D) Respect the sovereignty of other countries.
44. Which of the following is not an example of an individual human right?
- (A) Self-determination.
  - (B) Civil and political rights.
  - (C) Economic, social and cultural rights.
  - (D) Environmental and peace rights.
45. The 'duty of care' can best be described as which type of duty?
- (A) Social.
  - (B) Moral.
  - (C) Cultural.
  - (D) Legal.
46. When does international law become part of Australian law?
- (A) When it is asserted to by the Governor-General.
  - (B) When it is ratified by parliament.
  - (C) After a referendum has been passed.
  - (D) When it is included in the constitution.
47. Why are religious customs not routinely enforceable under the laws of Australia?
- (A) Religious practitioners do not have to automatically obey the law.
  - (B) Laws overlook religious matters.
  - (C) The Constitution guarantees religious freedom.
  - (D) Religion and law are distinct systems of rules.
48. All Australian citizens over the age of 21 must register to vote. What sort of duty is voting?
- (A) Moral.
  - (B) Legal.
  - (C) Social.
  - (D) Cultural.
49. What is the role of the members of the Senate Estimates Committee?
- (A) To check the spending of politicians.
  - (B) To assist in the preparation of the Budget.
  - (C) To regulate parliamentary privilege.
  - (D) To ensure legislation passed in the Senate is Constitutional.

50. The local park bans the consumption of alcohol on its premises.

This is an example of a:

- (A) Rule.
- (B) Law.
- (C) By-law.
- (D) Statute.

51. Jeanette is unhappy with a decision made by the Taxation Commissioner.

Where may she appeal?

- (A) The Administrative Appeals Tribunal.
- (B) The Supreme Court.
- (C) The Public Accounts Committee.
- (D) The Minister for Finance.

52. Which of the following is an example of an informal means of challenging state power?

- (A) Merit review.
- (B) External review.
- (C) Privacy bodies.
- (D) The media.

53. An individual agrees to obey the laws of the state in return for the benefits and protection the state offers.

This is an example of:

- (A) the rule of law.
- (B) the social contract.
- (C) the doctrine of equity.
- (D) Natural justice.

54. The arm of government that administers the law:

- (A) the police.
- (B) the judiciary.
- (C) the executive.
- (D) the legislature.

55. If a body exercises power beyond that which has been ascribed to it, it is known as:

- (A) Ultra vires.
- (B) Obiter dicta.
- (C) Ratio decidendi.
- (D) Ad litem.

56. Ernie has his case heard on appeal because the judge was perceived to have displayed bias in summing up to the jury.

The appeal was heard on the basis of a denial of:

- (A) the rule of law.
- (B) equity.
- (C) delegated authority.
- (D) natural justice.

57. Complete the following definition of 'power':

Power is the ability to control and influence others and is:

- (A) always legal.
- (B) never illegal.
- (C) legal and illegal.
- (D) illegal.

58. Complete the following definition of 'authority':

Authority is the ability to control and influence others and is:

- (A) always legal.
- (B) never legal.
- (C) legal and illegal.
- (D) government power.

59. Which of the following fits the description of 'an independent government with control over a population'?

- (A) The state of NSW.
- (B) State sovereignty.
- (C) The United Nations.
- (D) A local council.

60. Which of the following is an example of political power?

- (A) The power of police to breath test a driver.
- (B) Sending troops to a war.
- (C) A judge making a court ruling.
- (D) A teacher keeping a student back at lunch break.

61. What is legal power?

- (A) Common and statutory authority to control and influence individuals.
- (B) Common but not statutory authority to control and influence individuals.
- (C) Statutory authority only to control and influence individuals.
- (D) None of the above.

62. What are statutory rights?

- (A) Rights granted by the courts.
- (B) Rights granted by the media.
- (C) Rights granted by the parliament.
- (D) Rights granted by ministers.

63. What does freedom of information allow individuals to access?

- (A) Information about themselves.
- (B) Information about themselves or a deceased relative.
- (C) Information about government departments.
- (D) Information about friends or relatives.

64. Which of these statements about the executive arm of government is true?

- (A) It is controlled by administrative duty and discretion.
- (B) It is controlled by administrative law.
- (C) Both A and B are true.
- (D) It is chosen by democratic vote.

65. Which of these statements about the Administrative Appeals Tribunals Act 1975(Cwlth) is true?  
(A) It allows all decisions to be appealed.  
(B) It requires the NSW Government to appeal federal decisions.  
(C) Both A and B are true.  
(D) It requires the federal government to release information about why a decision was made.
66. Which of these statements about the media is true?  
(A) It is an informal means of challenging state power.  
(B) It is both a formal and informal means of challenging state power.  
(C) It is able to broadcast all administrative decisions.  
(D) None of the above.
67. How are legal rights protected?  
(A) By statute law.  
(B) By common law.  
(C) By both statute and common law.  
(D) By morals and customs.
68. Which of these statements about moral and customary rights is true?  
(A) They have no legal basis.  
(B) They can be enforced.  
(C) They are the same as legal rights.  
(D) None of the above.
69. Which of these statements is true?  
(A) Every state in the world has a bill of rights.  
(B) A bill of rights can only be drafted by the United Nations.  
(C) A bill of rights is a document setting out the rights of individual citizens.  
(D) A bill of rights is part of Australia's Constitution.
70. What sort of right is euthanasia?  
(A) A common law right.  
(B) A legal right.  
(C) A moral right.  
(D) None of the above.
71. How is the right to freedom of speech protected?  
(A) By statute.  
(B) By common law.  
(C) Both A and B.  
(D) It is not protected by either statute or common law.
72. What is a duty?  
(A) A legal right.  
(B) A statutory right.  
(C) An obligation to carry out an action.  
(D) None of the above.
73. Which of the following statements is true of legal duties?  
(A) They are enforceable by statute and common law.  
(B) They are enforced by courts only.  
(C) They are enforced by parliament only.  
(D) They are not enforceable.

74. Which of the following statements is true of religious duties?
- (A) They are enforceable by statute and common law.
  - (B) They are enforced by courts only.
  - (C) They are enforced by parliaments only.
  - (D) They are not enforceable.
75. What was *Donoghue v. Stevenson*?
- (A) An example of criminal negligence.
  - (B) An example of customary law.
  - (C) An establishment of duty of care.
  - (D) None of the above.
76. Which of these statements is true of the United Nations?
- (A) It establishes international duties to avoid war.
  - (B) It has a range of bodies and agencies.
  - (C) It attempts to advance the economic and social well being for all.
  - (D) All of the above.
77. In a legal sense, the word 'state' refers to:
- (A) one of the provinces which make up a federal union, as in the Commonwealth of Australia.
  - (B) a body of people occupying a definite territory and organised under one internationally recognised sovereign government.
  - (C) the condition, form, phase or the like of something.
  - (D) the recognised political decision-making body of a nation.
78. An example of an internationally recognised state is:
- (A) New South Wales.
  - (B) Victoria.
  - (C) Australia.
  - (D) Antarctica.
79. A state's stability benefits its citizens because:
- (A) it co-ordinates the institutions that govern everyday life.
  - (B) it provides social services and co-ordinates the institutions that govern everyday life.
  - (C) it allows the state to make treaties with other nations.
  - (D) it provides social services and creates a sense of belonging to that state among the population.
80. Responsible government ensures:
- (A) that the government makes decisions that benefit the people.
  - (B) that the government is accountable for its actions to the governor-general.
  - (C) the separation of powers between the executive, the legislature and the judiciary.
  - (D) that ministers are held accountable to parliament, and parliament is accountable to the public.
81. The 'rule of law' principle means that:
- (A) parliament is the ultimate law-making authority in Australia.
  - (B) everybody is subject to law.
  - (C) there is only one recognised government in Australia.
  - (D) the people live in a totalitarian state where the individual has little choice.

82. A citizen of Australia has:
- (A) the right to refuse military service.
  - (B) the right to shelter.
  - (C) the right to vote at all elections.
  - (D) the right to stand for public office.
83. A duty is:
- (A) something that we feel obliged to do.
  - (B) something that we are bound to do moral or legal obligation.
  - (C) a levy imposed by law on the important of goods.
  - (D) something that, on moral or religious grounds, we owe to the state.
84. Legal duties can be created by:
- (A) common law.
  - (B) morality.
  - (C) statute.
  - (D) common law or statue.
85. Which of the following is not a common law duty?
- (A) The duty of parents to care for children.
  - (B) A doctor's duty to care for his or her patient.
  - (C) A person's duty to vote in elections.
  - (D) Utmost good faith in insurance law.
86. A famous case regarding the duty of care is:
- (A) Airedale NHS Trust v. Bland (1993).
  - (B) R v. Dietrich (1992).
  - (C) Donaghue v. Stevenson (1932).
  - (D) Gratwock v. Johnson (1945).
87. Moral duties are created by:
- (A) legislation.
  - (B) an individual's religious beliefs.
  - (C) am individual's personal sense of what is right and wrong.
  - (D) a mixture of influences, including the community and the media.
88. The legal definition of a 'right' is:
- (A) something that should be provided by society.
  - (B) Locke's concept of natural rights.
  - (C) a privilege or liberty that is created and protected by law.
  - (D) something that is in accordance with what is just or good.
89. What are claims?
- (A) Claims are legally enforceable demands.
  - (B) Claims are demands that will not be heard in courts.
  - (C) Claims are demands for the recognition of some perceived right.
  - (D) Claims are the same as rights, and so are protected by the law.
90. A Bill of Rights:
- (A) outlines the basic rights of the citizens of a society.
  - (B) enables rights and privileges to be enforced by the legal system.
  - (C) explicitly states the rights and privileges that an individual has.
  - (D) does all of the above.

91. The rights of Australian citizens are protected by:
- (A) an entrenched Bill of Rights.
  - (B) a legislative Bill of Rights.
  - (C) the common law.
  - (D) international conventions.
92. Which of the following is NOT a problem of having a Bill of Rights?
- (A) Rights that are not expressly included in the Bill of Rights may be ignored.
  - (B) The Bill of Rights can be interpreted in different ways.
  - (C) A Bill of Rights explicitly outlines the rights that an individual has.
  - (D) The values expressed in the Bill of Rights may become outdated.
93. The legal basis for rights in Australia can be found in:
- (A) the Constitution, common law and international declarations of rights.
  - (B) the Constitution only.
  - (C) international declarations of rights only.
  - (D) the Constitution, common law, statutes and international declarations of rights.
94. Common law rights are based on:
- (A) interpretation of the Australian Constitution.
  - (B) international declarations of rights.
  - (C) statutes.
  - (D) legal precedents.
95. Which of the following statements is false?
- (A) Common law rights come from cases that have been historically relied upon.
  - (B) The common law has been very effective in protecting individuals against the state.
  - (C) The common law has the potential to be a major source and protector of human rights.
  - (D) The effectiveness of the common law is limited by uncertainty over the scope of common law rights.
96. International declarations of rights:
- (A) have no force in Australia.
  - (B) were neglected by the High Court decision in the case of *Koowarta v. Bjelke Petersen* (1982) case.
  - (C) have force in Australia if they have been signed by the Australian government and incorporated into legislation.
  - (D) cannot be taken into account in decision-making by government bodies.
97. Homosexual acts are:
- (A) a criminal offence.
  - (B) against society's legal duties.
  - (C) no longer against the law; the public is under a legal duty not to discriminate against homosexuals.
  - (D) against society's moral, religious and legal duties, and the law has been reformed to reflect this.
98. Legal duties:
- (A) often reflect other duties.
  - (B) are not created by common law.
  - (C) do not reflect moral duties.
  - (D) are internally regulated and failure to obey these duties can lead to punishment.

99. Moral, religious and cultural duties are different from legal duties in that:
- (A) they are not universal in a particular society.
  - (B) they are only felt by those who embrace the associated moral, religious or cultural values.
  - (C) they are usually self-regulatory.
  - (D) all of the above.
100. Which of the following statements is false?
- (A) There are legal controls on state power.
  - (B) States have unlimited power over individuals.
  - (C) There are formal and informal means of limiting the power of states.
  - (D) States are bound by the laws that they themselves make.
101. The difference between a duty and a discretion is that:
- (A) a duty is compulsory, whereas a discretion is voluntary.
  - (B) a duty is the statement of an obligation, whereas a discretion is the fulfilment of that obligation.
  - (C) a duty requires a public servant to act in a certain way, whereas a discretion gives several options from which the public servant can choose.
  - (D) a duty requires all public servants to act in a certain way whilst a discretionary choice can only be made by police.
102. Which of the following are examples of informal means of challenging the power of the state?
- (A) Trade unions, the ombudsman and judicial review.
  - (B) Trade unions, the media and the ombudsman.
  - (C) The ombudsman, judicial review and parliamentary committees.
  - (D) Trade unions, the media and lobby groups.
103. Any person entitled to apply for review by the Administrative Appeals Tribunal may request the person who made the decision to:
- (A) set out the findings on questions of fact only.
  - (B) refer to the evidence or other material on which those findings were based only.
  - (C) set out findings on questions of fact and give reasons for those decisions.
  - (D) compensate the person if the decision was made incorrectly.
104. Which of the following is NOT a duty imposed on the discretionary power?
- (A) The duty to act in good faith and for proper purposes.
  - (B) The duty to take into account relevant considerations.
  - (C) The duty to act unreasonably.
  - (D) The duty to provide evidence of the grounds for decisions.
105. It is important for officials to have some discretion in making decisions because:
- (A) not all decisions will fit into the rules.
  - (B) otherwise application of the rules will lead to just situations.
  - (C) situations do not change.
  - (D) it justifies the official's position in the government body
106. Access to information is important in order to achieve:
- (A) openness and accountability in government.
  - (B) accountability and responsibility in government.
  - (C) openness and responsibility in government.
  - (D) openness, accountability and responsibility in government.

107. Under freedom of information legislation, individuals have access to:
- (A) cabinet documents.
  - (B) documents affecting the enforcement of law and public safety.
  - (C) documents affecting financial and property interests of the government.
  - (D) records held by the government concerning their personal affairs.
108. Which of the following is NOT an advantage of informal means of challenge over formal ones?
- (A) Informal means are often cheaper and quicker than formal means.
  - (B) Informal means are less accessible to the general public than formal means.
  - (C) Informal means are often available when there may be no formal avenue of review.
  - (D) Informal means can change legislation if enough pressure is maintained.
109. The ombudsman has the power to:
- (A) set aside decisions.
  - (B) require action to be taken by the government department in question.
  - (C) substitute his or her own decisions for the department's decision.
  - (D) make recommendations to the department in question about what should occur.
110. A person with a complaint about a government official using public resources for a private purpose should take the complaint to:
- (A) the ombudsman.
  - (B) the head of the department or agency where the person in question works.
  - (C) the Independent Commission Against Corruption.
  - (D) the media.
111. Anyone affected by an adverse decision under the Social Security Act 1991 has the right to have the decision reviewed by:
- (A) the ombudsman.
  - (B) the Social Security Appeals Tribunal.
  - (C) the Administrative Appeals Tribunal.
  - (D) the Federal Court.
112. An administrative action of a government department will be ultra vires if:
- (A) the department stays within its power.
  - (B) the department does beyond its power.
  - (C) the department obeys mandatory rules.
  - (D) the department exercises its discretion where it is given.
113. Which of the following rules is least likely to portray the close relationship between morality and the law?
- (A) gun laws.
  - (B) laws about prostitution.
  - (C) contract laws.
  - (D) dog licensing laws.
114. The law on a particular issue will change only when:
- (A) political pressure is applied.
  - (B) the existing law no longer offers protection.
  - (C) lobby groups have been actively campaigning.
  - (D) all of the above.

115. The citizens of a nation consent to the action of the government and judicial sectors.

The consent can be referred to as:

- (A) the separation of powers.
- (B) a social contract.
- (C) a moral duty.
- (D) delegated authority.

116. A limitation of international law in protecting rights is:

- (A) the language barrier.
- (B) there are too many rights.
- (C) international law is not mandatory.
- (D) rights are not recognised at international law.

117. Which of the following is not a recognised duty?

- (A) Moral.
- (B) Political.
- (C) Legal.
- (D) Religious.

118. The Ombudsman aims to:

- (A) act as an external control on state power.
- (B) prosecute government officials.
- (C) decide Tribunal matters
- (D) protect lawyers.

119. The 'Crown' is the legal term for:

- (A) the current sovereign.
- (B) the head of the legislature and executive.
- (C) the head of the judiciary.
- (D) the plaintiff in civil decisions.

120. A problem with internal review is:

- (A) it is slow and costly.
- (B) the decision cannot be remade.
- (C) departments have a culture of secrecy.
- (D) it is difficult to utilise.

## Section II – Matching the terms

Total marks (22)

Write the term from the list that the definition correctly identifies next to it.

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1.

**Word List:**

- damages
- entrenched Bill of Rights
- claims
- customary rights
- common law rights
- moral rights
- Bill of Rights
- legal rights
- rule of law
- right
- injunction

- (a) \_\_\_\_\_ A monetary payment awarded to a plaintiff in compensation for damage or injury caused by the defendant.
- (b) \_\_\_\_\_ A court order commanding the losing party in a civil action to do something or refrain from doing something.
- (c) \_\_\_\_\_ Demands that are based on an intention to enjoy a perceived right.
- (d) \_\_\_\_\_ A documents that outlines the basic rights of the citizens of a society.
- (e) \_\_\_\_\_ A Bill of Rights that is part of the constitution of a country.
- (f) \_\_\_\_\_ The idea that all people in a society are equally bound and protected by the law.
- (g) \_\_\_\_\_ Rights based on some value of obligation.
- (h) \_\_\_\_\_ Rights based on custom and history.
- (i) \_\_\_\_\_ Rights that have the force of law behind them – that is, the right can be enforced with official sanctions.
- (j) \_\_\_\_\_ Rights that are based on legal precedent.
- (k) \_\_\_\_\_ A privilege or liberty that is created and protected by the law.

2.

**Word List:**

- political power
- authority
- delegated authority
- power of attorney
- power
- social contract
- customary authority
- economic power
- common law authority
- legal power
- statutory authority

- (a) \_\_\_\_\_ Where a person or body possess control or command over others.
- (b) \_\_\_\_\_ Type of power that comes from having money or control over the means of production.
- (c) \_\_\_\_\_ Type of power that relates to the capacity to determine decisions through influence over decision-makers.
- (d) \_\_\_\_\_ Type of power that is based on the law and is provided to the parliament, the executive and the administration of government, the legal system and some individuals.
- (e) \_\_\_\_\_ When a person or body has the power to make and enforced decisions.
- (f) \_\_\_\_\_ Authority based on tradition or history.
- (g) \_\_\_\_\_ Authority given by an Act of parliament to a person or organisation to perform certain functions.
- (h) \_\_\_\_\_ Authority that is derived from the decisions made by judges throughout the history of case law.
- (i) \_\_\_\_\_ Authority entrusted by parliament to government departments to make legally enforceable laws.
- (j) \_\_\_\_\_ The legal power given to a person to make decisions in the interests of another person.
- (k) \_\_\_\_\_ Where people have given up some freedoms in order to gain some benefits and protection from the state.